THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.25092 OF 2006

Dated 18th December, 2007

Between:

The people of Visakhapatnam .... Petitioners

And

The Municipal Corporation of
Visakhapatnam rep by its Commissioner,
Visakhapatnam and others ... Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.25092 OF 2006

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

This writ petition was entertained on the basis of a letter written by the People of Visakhapatnam to this Court. The main prayers in the writ petition were

1. That some of the builders, with the connivance of the Officials, constructed apartments in violation of the approved plans;

2. that people, who complain, were being threatened by the goondas of the builders and town planning officials;

3. that there was danger to the lives of the innocent people, who live in the buildings which are defective

4. and no action was being taken by the authorities against those, who violated the Rules

This case has been going on for a long time. Many reports have been filed. Mr. O.Manoher Reddy, Advocate, was appointed as *amicus curiae*. He also appeared and assisted this Court. The latest additional counter-affidavit filed by the Commissioner, Greater Visakhapatnam Municipal Corporation dated 11-12-2007, states that in total there were 322 unauthorized structures in the Municipal Council area of

Visakhapatnam and out of them, 137 structures have been demolished, 106 structures have not been demolished as cases related to them are pending in the local Courts of Visakhapatnam District and 79 constructions are left. The Commissioner also states in the additional counter-affidavit that action with respect to these 79 structures would be taken within a period of four months.

Mr.O.Manoher Reddy, *amicus curiae*, has drawn our attention to G.O.Ms.No.514 M.A., dated 17-11-2000 and a memo dated 28-08-2006 issued by the Eastern Power Distribution Company A.P. Limited in pursuance of the said G.O. As per this G.O., the Power Distribution Companies should give power supply to the buildings, which are above 10 meters height, only after production of occupancy certificate issued by the local authority. Certain other conditions were also imposed in the said G.O. In this view of the matter, we believe that keeping this writ petition on Board would serve no purpose. Therefore, we dispose of the writ petition with the following directions.

1. That all Power Distribution Companies shall stick to G.O.Ms.No.514 M.A, dated 17-11-2000 while granting permission for releasing power supply in the premises;

2. that the process of dealing with 79 cases, to which reference has been made in the additional counter-affidavit, shall be completed within a period of four months

3. and the learned District Judge, Visakhapatnam is directed to transfer 106 cases in which the Greater Visakhapatnam Municipal Corporation is a party, which are pending in different Courts in Visakhapatnam, to only one Court, where it will be easier for the parties to get a decision expeditiously. If necessary, the learned District Judge, Visakhapatnam, may

distribute some of these cases to the other learned Judges also. All the applications of vacate stay petitions, if any, filed or that may be filed in future shall be decided by the learned Judge (s) concerned, as far as possible within a period of three weeks from the date of transfer of the cases.

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Bilal Nazki, ACJ

Dated 18th December, 2007

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Ramesh Ranganathan,J

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